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COUNSEL

MARK B. DENBO

February 24, 2017

VIA HAND DELIVERY AND E-MAIL (James.Bradshaw@fcc.gov)

Mr. James Bradshaw
Deputy Chief, Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED - FCC

FEB 24 2017

Federal Communications Commission
Bureau / Office

**Re: Interference Complaint
FM Translator W266AL, Pensacola, FL
(Facility No. 150820)**

Dear Mr. Bradshaw:

This is written on behalf of Easy Media, Inc. ("EMI"), licensee of W266AL, Pensacola, Florida, and responds to your letter dated January 26, 2017, directing EMI to resolve complaints filed by Wolff Broadcasting Corporation ("Wolff") alleging interference to WPPG, Repton, Alabama.¹

To summarize, there is no longer any evidence of interference to the reception of WPPG. EMI's efforts to contact the complainants and resolve their complaints are set forth in detail below. On June 12, 2015, Wolff filed a Petition to Deny an application (File No. BALFT-20150511AAH) for consent to assignment of license of W266AL to EMI. **Attachment 1** is a declaration under penalty of perjury executed by Chris Wiggins, an engineering consultant whom EMI retained to conduct an investigation into the allegation of interference. Mr. Wiggins states that he "determined that the transmitter output power appeared to be higher than appropriate." He suggested certain adjustments be made. Mr. Wiggins states he personally inspected W266AL and "found the transmitter operating correctly and at the authorized power level."

¹ Please note that Timothy K. Brady, Esq., EMI's former counsel, has retired. Also, the Commission letter references "WPPF" but the correct call sign is WPPG.

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By letter dated December 5, 2016, the Audio Division dismissed in part and otherwise denied the Wolff Petition to Deny and granted the assignment application. On December 20, 2016, a Notice was filed reporting the consummation of the assignment as of that date. Since EMI was not the licensee of W266AL in June 2015 when the interference complaints arose, EMI is not responsible for the prior interference. Nevertheless, pursuant to the Audio Division's directive of January 26, 2017, as demonstrated below, Amber Hutchinson² on February 16 and 17, 2017, either contacted or attempted to contact each of the persons that Wolff identified in its Petition to Deny at the address (where available) of each complainant.³ Ms. Hutchinson was unable to monitor any interference to the reception of WPPG at those locations. She brought with her a form of statement for each complainant to sign if the interference was resolved. It should be noted that, in most cases, Wolff provided neither telephone numbers nor email addresses for the complainants in the letters Wolff submitted. This made it necessary for Ms. Hutchinson to drive to each of the locations and attempt to locate the complainants. For those complainants that Ms. Hutchinson was unable to meet face-to-face, she left a copy of the form of statement and contact information. She reports that she has not heard back from those complainants. Following is a report on each complainant based on Ms. Hutchinson's declaration (**Attachment 2**).

Jean Herndon, 1003 Barnett Hwy, Brewton, AL 36426 – Stated she did not write the May 14, 2015, letter addressed to the FCC. She refused to sign the form of statement about interference from W266AL because she did not write the complaint. She stated she was unaware of any radio station interference issues with WPPG and ERI's translator (W266AL.)⁴ At this address Ms. Hutchinson's car radio did not pick up any interference with WPPG and W266AL. She could receive only WPPG.

Patrick Andrews Stowers, 37 Township Lane Brewton, AL 36426 – He was at work. Ms. Hutchinson spoke with his wife, Jessica, who stated she and Patrick never discussed a radio station inference complaint. She was unaware of any letter he may or may not have written. Mrs. Stowers stated the handwriting of the letter was not familiar. Ms. Hutchinson requested that Mr. Stowers call her. She left a copy of the letter to the FCC bearing his name and her business card which has WBSR's and her cell number on it. At this address Ms. Hutchinson's car radio did not pick up any interference with WPPG and W266AL. She could receive only WPPG.

² General Manager of WBSR(AM), Pensacola, Florida, also licensed to ERI and with which W266AL is linked.

³ Lacinda Mitchell could not be located as there was no address, phone number, or email address on the complaint.

⁴ ERI respectfully requests the Commission to inquire of Wolff as to why Ms. Herndon and Ms. Stowers deny any knowledge of the complaints Wolff submitted to the FCC.

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R. Rowell, 1419 Gardner Rd. Monroeville, AL 36460 – No one answered the door. She left a copy of the letter to the FCC bearing his name and her business card which has WBSR's and her cell number on it. At this address Ms. Hutchinson's car radio did not pick up any interference with WPPG and W266AL. She could receive only WPPG.

Gary Hollinger, 3607 South Palmers Rd., Uriah, AL 36480 – No one answered the door. She left a copy of letter to the FCC bearing his name and her business card which has WBSR's and her cell number on it. At this address Ms. Hutchinson's car radio did not pick up any interference with WPPG and W266AL. She could receive only WPPG.

Steven Aplin, 515 Luker Dr., Uriah, AL 36480 – Ms. Hutchinson states that her map led her to a dead-end road. The address on the map showed the house was in the woods (as opposed to just off the street). The mobile home at this address had no front steps and no vehicles were there. In his mailbox, Ms. Hutchinson left a copy of the letter to the FCC bearing his name, a note requesting the complainant to call her and her business card which has WBSR's and her cell number on it. At this address Ms. Hutchinson's car radio did not pick up any interference with WPPG and W266AL. She could receive only WPPG.

Robert Godbee, 9093 County Rd. 27, Castleberry, AL 36431 – Mr. Godbee stated there was no longer any interference and signed the form of statement about W266AL. See **Attachment 3.**

Raymond Lambert, 54 East Claiborne St., Monroeville, AL 36460 (Home address 227 Travelers Way Monroeville, AL 36460) – Ms. Hutchinson was unable to locate the business in Monroeville. The map led her to an historic building, not associated with the complainant, in downtown Monroeville. On February 17, 2017, she emailed Mr. Lambert, but has not heard back from him. At both addresses, her car radio did not pick up any interference to WPPG from W266AL. She could only receive WPPG.

Lacinda Mitchell, Flomaton, Alabama - Ms. Mitchell's letter has no address nor any contact information, so Ms. Hutchinson could not contact her.

Cassandra Reymundo, 124 Aplin Rd., Atmore, AL 36502 - No one answered the door. She left a copy of the letter to the FCC bearing her name and Ms. Hutchinson's business card which has WBSR's and her cell number on it. At this address Ms. Hutchinson's car radio did not pick up any interference with WPPG and W266AL. She could receive only WPPG.

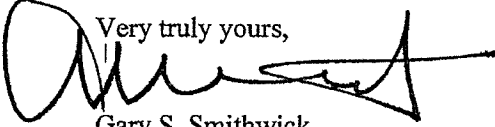
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Danny Johnson II 23780 Mc Coy RD Perdido, AL 36562 – This address is unknown. Ms. Hutchinson's maps show the address off McCoy road into the woods. She was unable to find a mailbox or a building which resembled a house. In this area, her car radio did not pick up any interference with WPPG and W266AL. She could only receive WPPG.

Based on the foregoing, ERI believes the interference was resolved by the adjustments made in June 2015 at the direction of Mr. Wiggins.

Please communicate any questions regarding this matter to the undersigned.

Very truly yours,

Gary S. Smithwick
Counsel to Easy Media, Inc.

cc: Parul P. Desai, Esq., FCC Audio Division (via e-mail)(parul.desai@fcc.gov)
Mr. Robert Gates, FCC Audio Division (via e-mail) (robert.gates@fcc.gov)
Dennis J. Kelly, Esq., Counsel to Wolff Broadcasting Corporation

ATTACHMENT 1
CHRIS WIGGINS DECLARATION

DECLARATION

I, Chris Wiggins, hereby certify under penalty of perjury that:

1. I have been an engineering consultant in the broadcast industry for the past 14 years.
2. At the time I was advised of the filing of the Interference Complaint regarding W266AL, I was involved with prior commitments and unable to conduct an investigation, personally, until June 11, 2015.
3. On June 4, 2015, I asked Amber Hutchinson, General Manager of WBSR(AM), to obtain certain information concerning the current operating parameters of the W266AL transmission system. Based upon the information she reported back to me, I determined that the transmitter output power appeared to be higher than appropriate. I directed her to undertake certain adjustments and then make new readings based upon the adjustments she had made at my direction. Later the same day I received confirmation from her that she had done so and, based upon the updated readings she provided at that time, I determined that the transmitter was again operating with the authorized power level.
4. On June 11, 2015, I personally inspected the W266AL transmission system. I found the transmitter operating correctly and at the authorized power level.
5. I do not know how the W266AL transmitter recently came to operate with an excessive transmitter output power. However, any interference that may have resulted would have ended no later than June 4, 2015, the date that the transmitter output power was corrected under my direction. Given the distance between the transmitter sites of WPPG(FM) and W266AL (113.2 km) and their respective authorized effective radiated powers (3.0kw and 0.140kw), it is physically impossible for either to cause destructive interference to the other, provided that each is operating within its authorized parameters.

Signed and dated this 16 day of June, 2015.


CHRIS WIGGINS

ATTACHMENT 2
AMBER HUTCHINSON DECLARATION

DECLARATION UNDER PENALTY OF PERJURY

Amber Hutchinson, under penalty of perjury, declares as follows:

I am General Manager of WBSR(AM), Pensacola, Florida, which is licensed to Easy Radio, Inc., and with which W266AL is linked. I either contacted or attempted to contact each of the persons that Wolff Broadcasting Corporation identified in its Petition to Deny. On February 16 and 17, 2017, I personally visited or attempted to visit the address (where available) of each complainant and was unable to monitor any interference to the reception of WPPG at those locations. I brought with me a form declaration for each complainant to sign if the interference was resolved. Following is a report on each complainant.

Jean Herndon, 1003 Barnett Hwy, Brewton, AL 36426 – Stated she did not write the May 14, 2015, letter addressed to the FCC. She refused to sign the form of statement about interference from W266AL because she did not write the complaint. She stated she was unaware of any radio station interference issues with ESPN Pensacola/WPPG (W266AL). At this address, my car radio did not pick up any interference with WPPG and W266AL. I could only receive WPPG.

Patrick Andrews Stowers, 37 Township Lane Brewton, AL 36426 – He was at work. I spoke with his wife, Jessica, who stated she and Patrick never discussed a radio station inference complaint. She was unaware of any letter he may or may not have written. Mrs. Stowers stated the handwriting of the letter was not familiar. I requested that Mr. Stowers call me. I left a copy of the letter to the FCC bearing his name and my business card which has WBSR's and my cell number on it. At this address, my car radio did not pick up any interference with WPPG and W266AL. I could only receive WPPG. I have not head back from Mr. Stowers.

R. Rowell, 1419 Gardner Rd. Monroeville, AL 36460 – No one answered the door. I left a copy of the letter to the FCC bearing his name and my business card which has WBSR's and my cell number on it. At this address, my car radio did not pick up any interference with WPPG and W266AL. I could only receive WPPG. I have not heard anything further from Mr. Rowell.

Gary Hollinger, 3607 South Palmers Rd., Uriah, AL 36480 – No one answered the door. I left a copy of the letter to the FCC bearing his name and my business card which has WBSR's and my cell number on it. At this address my car radio did not pick up any interference with WPPG and W266AL. I could receive only WPPG. I have not heard anything further from Mr. Hollinger.

Steven Aplin, 515 Luker Dr., Uriah, AL 36480 – My map led me to a dead-end road. The address on the map showed the house was in the woods (as opposed to just off the street). The mobile home at this address had no front steps and no vehicles were there. In his mailbox, I left a copy of the letter to the FCC bearing his name, a note requesting the complainant to call me and my card which has the station and cell number on it. At this address, my car radio did not

pick up any interference with WPPG and W266AL. I could only receive WPPG. I have not heard anything further from Mr. Alpin.

Robert Godbee, 9093 County Rd. 27, Castleberry, AL 36431 – Mr. Godbee stated there was no longer any interference and signed the form of statement about W266AL. At this address, my car radio did not pick up any interference with WPPG and W266AL. I could only receive WPPG.

Raymond Lambert, 54 East Claiborne St., Monroeville, AL 36460 (Home address 227 Travelers Way Monroeville, AL 36460) – I was unable to locate the business in Monroeville. The map led me to an historic building, not associated with the complainant, in downtown Monroeville. On February 17, 2017, I emailed Mr. Lambert, but have not heard back from him. At both addresses, my car radio did not pick up any interference to WPPG from W266AL. I could only receive WPPG.

Lacinda Mitchell, Flomaton, Alabama - Her letter has no address nor any contact information, so I could not contact her.

Cassandra Reymundo, 124 Aplin Rd., Atmore, AL 36502 – No one answered the door. I left a copy of the letter to the FCC bearing her name and my business card which has WBSR's and my cell number on it. At this address, my car radio did not pick up either station (WPPG or W266AL). I have not heard anything further from Ms. Reymundo.

Danny Johnson II, 23780 Mc Coy Rd., Perdido, AL 36562 – This address is unknown. My maps show the address off McCoy road into the woods. I was unable to find a mailbox or a building which resembled a house. In this area, my car radio did not pick up any interference with WPPG and W266AL. I could only receive a Christian religious format station.

Executed this 24th day of February, 2017.



Amber Hutchinson

ATTACHMENT 3
ROBERT GODBEE STATEMENT

STATEMENT

My name is Robert Hedden and I reside at 9093 City Rd. 27, Castleberry, AL 36432

I submitted a complaint to the Federal Communications Commission because I could no longer hear WPPG, Repton, Alabama. I thought this was due to the operations of FM Translator W266AL, Pensacola, Florida. Members of the staff of W266AL have visited me to investigate my complaint. I no longer have any problem receiving WPPG and feel my complaint has been resolved.

Dated: Feb 16, 2017 Signed: R. A. Hedden